

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

REGINALD SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05-CV-1503 RWS
)	
MISSOURI DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	
)	

ORDER

This matter is before the Court upon Reginald Smith's filing of a notice of appeal [Doc. #9 and #10] from this Court's November 21, 2005 order of dismissal.

On November 21, 2005, this Court granted plaintiff's leave to proceed in forma pauperis and dismissed the instant action pursuant to 28 U.S.C. § 1915 (e)(2)(B). In addition, the Court certified that an appeal from this dismissal would not be taken in good faith. See 28 U.S.C. § 1915 (a)(3). On December 19 and December 22, 2005, plaintiff filed the instant notice of appeals [Doc. #9 and #10].

Plaintiff has not submitted a motion for leave to proceed in forma pauperis on appeal, nor has he paid the filing fee for an appeal. Because plaintiff has not paid the filing fee, the Court assumes that he wishes to proceed in forma pauperis on appeal. However, even if plaintiff had submitted a motion to proceed in forma pauperis on appeal, this Court would deny such a motion, given that the Court has certified that an appeal would not be taken in good faith. Therefore, the Court will order plaintiff to pay the \$255 filing and docketing fee.

Accordingly,

IT IS HEREBY ORDERED that within thirty (30) days from the date of this order, plaintiff shall either pay to this Court the full \$255 filing and docketing fee for filing an appeal or file with the

United States Court of Appeals for the Eighth Circuit an application to proceed in forma pauperis on appeal.¹

IT IS FURTHER ORDERED that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 27th day of December, 2005.

A handwritten signature in dark ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

¹If plaintiff chooses to pay the filing fee, he is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.